

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC

Plaintiff,

vs.

WATER PIK, INC.

Defendant.

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Case No: 2:16-cv-602-JRG-RSP

**JOINT MOTION TO DISMISS. WITHOUT PREJUDICE PURSUANT TO RULE
41(a)(2)**

Plaintiff Symbology Innovations, LLC and Defendant Water Pik, Inc. hereby jointly move to dismiss their respective claims and counterclaims in this civil action without prejudice pursuant to Fed. R. Civ. P. 41 (a)(2).

Wherefore, Plaintiff and Defendant request that the Court dismiss Plaintiff's claims against Defendant Water Pik, Inc., and Defendant's counterclaims against Plaintiff Symbology Innovations, LLC, without prejudice, with each party to bear its own fees and costs.

Dated: January 20, 2017

Respectfully submitted,

<u>/s/ Jay Johnson</u> JAY JOHNSON State Bar No. 24097322 BRAD KIZZIA State Bar No. 11547550 KIZZIA JOHNSON PLLC 1910 Pacific Ave., Suite 13000 Dallas, TX 75201 Tel. (214) 451-0164 Fax (214) 451-0165 jay@kjpllc.com bkizzia@kjpllc.com ATTORNEYS FOR PLAINTIFF	<u>/s/ Lee F. Johnston</u> LEE F. JOHNSTON State Bar No. 10839600 DORSEY & WHITNEY LLP 1400 Wewatta St., Suite 400 Denver, CO 80202 Tel. (303) 629-3400 Fax (303) 629-3450 johnston.lee@dorsey.com ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been served on all counsel of record via electronic mail through Local Rule CV-5(a) on January 20, 2017.

/s/ Jay Johnson
Jay Johnson